

BOARD BILL NO. 208 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in an alley varying in width from
3 12.00 feet to 13.42 feet extending from Locust southwardly 105 feet to the 15 foot wide east/west
4 alley in City Block 280 as bounded by Locust, 10th, Olive and 11th. Streets in the City of St. Louis,
5 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
6 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

7 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10 A tract of land being an north-south alley, of irregular width, in City Block 280 of the
11 City of St. Louis, Missouri, and more particularly described as follows:

12 Beginning at the northeast corner of City Block 280, said point is also
13 at the intersection of the west line of Tenth Street, 60 feet wide, with
14 the south line of Locust Street, 60 feet wide; thence along the north
15 line of City Block 280, and along the south line of said Locust Street,
16 north 75 degrees 20 minutes 38 seconds west a distance of 123.37
17 feet by record, to the east line of said alley, and to the point of
18 beginning of the alley herein described; thence along the east line of
19 said alley, south 14 degrees 36 minutes 48 seconds west a distance of
20 105.00 feet by record and survey, to the north line of an east-west
21 alley, 15 feet wide; thence along to the north line of said east-west
22 alley, north 75 degrees 20 minutes 48 seconds west a distance of
23 13.42 feet to the west line of an alley, irregular width; thence along
24 the west line of said north-south alley, north 15 degrees 23 minutes
25 18 seconds east a distance of 105.01 feet to the south line of Locust
26 Street, 60 feet wide and also to the north line of City Block 280;
27 thence along the south line of said Locust Street, south 75 degrees 20
28 minutes 38 seconds east a distance of 12.00 feet to the east line of
29 said north-south alley and to the point of beginning containing 0.031
30 acres, according to a Boundary Survey performed by T.L.
31 Consultants in January, 2007.
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1 are, upon the conditions hereinafter set out, vacated.
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3 **SECTION TWO:** Alverne Associates , LLC proposes to use the vacated area to
4 consolidate property for residential development . Access to 1010 Locust sprinkler connection must
5 be maintained for Fire Department use.

6 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
7 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
8 including present and future uses of utilities, governmental service entities and franchise holders,
9 except such rights as are specifically abandoned or released herein.

10 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
11 surface pavement of said so vacated alley provided however, all utilities within the rights-of-way
12 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

13 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
14 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
15 for purposes associated with the maintenance, construction or planning of existing or future
16 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
17 required.

18 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
19 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
20 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
21 service entities and franchise holders, present or future. The written consent with the terms and
22 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
23 agencies as needed and approved by such Board prior to construction.

24 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
25 of a utility, governmental service entity or franchise holder by agreement in writing with such

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1 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
2 undertaking of such removal.

3 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
4 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
5 have curbing cobblestones returned to the Department of Streets in good condition.

6 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
7 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
8 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
9 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
10 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
11 deposited by these agencies with the Comptroller of the City of St. Louis.

- 12 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
13 Water facilities, if any.
- 14 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
15 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
16 be returned.
- 17 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
18 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
19 specified in Sections Two and Eight of the Ordinance.

20 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
21 of Streets for review of compliance with conditions one year (365 days) from the date of the signing
22 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
23 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
24 within the prescribed time the ordinance will be null and void.

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